

MINUTES

COMMISSION ON LOCAL GOVERNMENT

Regular Meeting

10:00 a.m., November 10, 2005

Members Present

John G. Kines, Jr., Chairman
Harold H. Bannister, Jr., Vice Chairman
Frances M. Parsons
Kathleen K. Seefeldt
Geline B. Williams

Members Absent

Others Present

Ted McCormack, Associate Director
Steve Ziony, Senior Economist
Adria Graham Scott, Senior Policy Analyst
Barbara Johnson, Executive Secretary

Call to Order

The Chairman called the meeting to order at 10:00 a.m., November 10, 2005 in the Board Room of the Department of Housing and Community Development in Richmond.

I. Administration

A. Approval of Minutes of Regular Meeting of September 12, 2005

The minutes of the Commission's regular meeting of September 12, 2005 were approved with amendment.

B. Presentation of Financial Statement for October 2005

The Associate Director reported that prior to the current meeting the members had been mailed a copy of an internally produced financial statement covering the Commission's activities through October 2005. Mr. McCormack advised that the document contained data for four months, or approximately

33.3% of the fiscal year and that the financial statement showed agency expenditures of approximately \$92,000, or 27.6% of the budgeted amount for the Commission's activities. He noted that the expenditures under budget were a result of the continuing vacancy in the Senior Policy Analyst position. The Commission accepted the financial report for filing.

C. Associate Director's Report

1. Introduction of Ms. Adria Graham Scott

The Associated Director introduced Ms. Adria Graham Scott to the members of the Commission as the recently-hired Senior Policy Analyst. Mr. McCormack indicated that Ms. Graham Scott had a law degree from the University of California at Los Angeles and she has extensive experience in community and economic development. He noted that the agency was extremely fortunate to have someone of her skills available to assist with the various activities of the Commission.

2. Annual Filing of Statements of Economic Interest

The Associate Director stated that the members will be mailed in the near future the forms that they annually file listing their economic interest. Mr. McCormack noted that the staff would furnish the members with information concerning the reimbursement that they received for service on the Commission during 2005 which is to be reported on the form. He indicated that the members would receive their forms directly from the Department of Housing and Community Development, and that

the completed document should be returned to the Department no later than the middle of January 2006.

3. VML-VACO Legislative Day

The Associate Director indicated that that the annual Legislative Day sponsored by the Virginia Municipal League – Virginia Association of Counties would be held in Richmond on February 9, 2006. He stated that the general program begins around noon at the Marriott Hotel, and he requested that if any members wished to attend the program, they are encouraged to make reservations on their own.

4. Meeting Per Diem

The Associate Director stated that, in accordance with the Commission's Policy on compensation and reimbursement, per diem would be paid to Mrs. Parsons for her travel on November 9, 2005, and all members present for their service to the Commonwealth on November 10, 2005.

5. Staff Presentation

The Associate Director reported that on November 19, 2005, he will meet in Purcellville with the legal committee of the Citizens for Catocin County concerning the division of Loudoun County into two counties. Mr. McCormack noted that on December 15, 2005, he will speak to the Prince Edward County boundary adjustment committee concerning the possible incorporation of a large mixed-use development into the Town of Farmville.

II. Scheduling of Mandate Assessment

A. Preliminary Staff Comment

The Associate Director stated that the members had been mailed previously a set of materials concerning the scheduling of the assessment of mandates by executive branch agencies for the 2006 period. Mr. McCormack noted that, in accordance with statutory requirement and Executive Memorandum 1-98, the Commission was required to adopt each year a schedule by which the executive agencies of the Commonwealth would critically review certain mandates which they administer applicable to Virginia's local governments. He indicated that, consistent with past practice, the staff of the Commission had consulted the relevant State agencies and Virginia's local government associations for the purpose of developing for the Commission's consideration a mandate assessment schedule for the forthcoming period. Mr. McCormack advised that the draft assessment schedule under consideration had been endorsed by all relevant parties and that the agency's staff recommended its approval. In closing, he indicated that assuming the Commission's acceptance of the proposed assessment schedule, it would then be presented to the Secretary of Commerce and Trade and the Governor for their concurrence.

B. Commission Adoption of Assessment Schedule

The Commission discussed various programs that could be undertaken to make local governments aware of the mandate assessment process, and the members directed the staff to present alternative activities to accomplish such at a future meeting. After further discussion, the Commission endorsed the schedule

as presented and authorized its staff to submit it to the Secretary of Commerce and Trade and the Governor for their review and approval.

III. Report on Proffered Cash Payments and Expenditures

A. Preliminary Staff Comment

The Associate Director distributed to the members revised sections of a draft of the Commission's report on the acceptance of cash proffers by local governments. Mr. McCormack observed that the draft report included the results of a survey of the 142 localities that are required to report annually their cash proffer usage, and that, as in the past, this year's survey had a 100% response rate. He indicated that that with respect to the findings contained in the proposed report, 38 of the 142 eligible localities reported accepting cash proffers during the 2005 fiscal year, and further, that those local governments reported cash proffer revenue of approximately \$71.5 million and expenditures of cash proffers on local projects of approximately \$54.5 million. Mr. McCormack concluded by stating that the Commission's report will be sent to the Chairman of the Senate Local Government Committee and to the Chairman of the House Committee on Counties, Cities and Towns well in advance of its November 30 due date.

B. Commission Deliberation and Action

After a brief discussion of the draft report and the survey results, the Commission authorized the staff to release the report.

IV. Revision of Commission Regulations

A. Preliminary Staff Comment

The Associate Director stated that the members had been mailed

previously the most recent draft of the proposed revisions to the Commission's Public Participation Guidelines and Regulations. He noted that the draft documents reflected tentative changes agreed to by the Commission at its September regular meeting, alterations made for consistency or clarity, or non-substantive recommendations made by the Department of Planning and Budget. Mr. McCormack advised that he had also sent to the members in advance of the current meeting two discussion papers concerning the amendments tentatively endorsed by the Commission. In closing, he noted that the rules governing the State's regulatory process require that the Commission adopt its new Public Participation Guidelines and Regulations before January 2006, but because of the forthcoming inauguration of a new administration, the method by which such documents are subsequently reviewed by the Secretary of Commerce and Trade and the Governor has been suspended until 2006.

B. Commission Deliberation and Action

The Commission discussed the proposed revisions to its Public Participation Guidelines and Regulations, and they reaffirmed the decisions that they had made at the September 12, 2006 regular meeting. On motion by Mr. Bannister that was seconded by Mrs. Parsons, the Commission unanimously adopted the edition of the Public Participations Guidelines dated October 14, 2005 and the edition of the Regulations dated September 15, 2005.

V. Other

The Associate Director observed that the Freedom of Information Act (FOIA) required that if any State public body had at least one member appointed by the

Governor, then that body must publicly announce whether or not it would receive public comment at its meetings and, if so, the approximate point during the meeting when such comment would be received. Mr. McCormack noted that in the past the Commission had not seen the need to have a public comment period since the issues that come before the members are generally not of interest to the public. He indicated that with the requirement in the FOIA, the current Commission may want to consider establishing a public comment period for its regular meetings. The members discussed the proposal put forth by the Associate Director. Mrs. Seefeldt recommended that the Commission establish a time to receive public comment at its regular meetings after the adoption of the minutes, that the public input be limited to no more than three minutes per speaker, and that the speaker only address matters that would not be the subject of a subsequent Commission public hearing. After further discussion, the members agreed to receive public comment during its regular meetings as proposed by Mrs. Seefeldt. The Associate Director advised that the item would be added to the agenda of forthcoming regular meetings.

VI. Next Meeting

The next regular meeting was scheduled for Thursday, January 5, 2006 at 10:00 a.m. at the Commission's offices in Richmond, Virginia.

VI. Adjournment

The meeting was adjourned at 11:40 a.m.

John G. Kines, Jr.
Chairman

Ted McCormack
Associate Director